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8 December 1976

OLC: 76-3549

MEMORANDUM FOR: Director of Central Intelligence

FROM: George L. Cary
Legislative Counsel

SUBJECT: Meeting with Chairman George H. Mahon,
House Appropriations Committee

1. The upcoming meeting with Chairman George H. Mahon (D., Texas), will present an opportunity to discuss both general items of concern to the Intelligence Community and its dealing with the Appropriations Committee, as well as to cover certain incidents which have occurred during the past two years, which have tended to create unnecessary friction between elements of the Intelligence Community and the Committee.

2. We recommend that the general thrust of the meeting concern our view that the members of the Defense Subcommittee are not sufficiently aware of intelligence programs and of the needs of the Intelligence Community. The Defense Subcommittee is at this time the key Subcommittee of the House of Representatives dealing with the Intelligence Community. It should be impressed upon Chairman Mahon that members of the Subcommittee have a responsibility to become personally involved in the intelligence program budget. While we recognize that the NFIP accounts for [REDACTED], the amount of money involved does not in itself indicate the importance and political sensitivity of the U.S. intelligence programs. If the Chairman feels that the Committee must view its priorities on the basis of dollar figures, it might be suggested that a separate intelligence subcommittee (such as the Intelligence Operations Subcommittee in the Senate), be established to deal with the intelligence budget. It should be emphasized that since Congress has now recognized the importance of intelligence oversight, and has strengthened the legislative role in this area, the members must themselves become personally cognizant of the issues.

3. The budget process for FY 78 will be far more involved than in past years. There will be formal budget authorization hearings in the Senate Select Committee on Intelligence. While the format of these hearings has not been set, it is quite possible that the SSCI will adopt a procedure in the nature of an authorization bill. In such case, the House also may be obliged to adopt a formal authorization process.

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4. It should be suggested that the Defense Subcommittee or a special intelligence subcommittee, hold more extensive budget hearings. In the calendar year '76 there was only one budget hearing. A one day hearing does not give Executive Branch witnesses sufficient time to explore the major issues in the budget, nor does it give the members of the Committee enough time to fully understand the programs involved.

5. Should the Chairman feel that establishment of an intelligence subcommittee is not appropriate or that there is insufficient time to schedule more than one hearing, it should be suggested that certain members of the Subcommittee be designated to cover certain topics in depth. As stated above, one budget presentation no matter how complete, is hardly enough for the members to make a fair determination on the life or death of important programs. Further, sifting information through a staff member who suffers from certain preconceptions does not present a satisfactory solution either.

6. It should be recognized, of course, that the Committee does not gain its entire knowledge from the budget hearings or justification books. The Surveys and Investigations Staff of the Committee has been engaged in a number of extensive studies of certain intelligence activities. At present, Surveys and Investigations Staff teams are studying communication operations, training programs, and organization of the DDO. The Surveys and Investigations team reports are submitted directly to the Subcommittee upon completion without an opportunity for Community review or comment prior to their submission. While the Surveys and Investigations reports may be an accurate source of raw data, they lack perspective and would be more useful if they contained concurrent Intelligence Community comment. Although the Surveys and Investigations reports may be referred for Community review, subsequent to transmittal to the Committee, Intelligence Community rebuttals or explanations after the fact do not serve as an effective means for conveying legitimate Community concerns. This is not to suggest that the Surveys and Investigations reports be censored in any way, but rather that the Community have the opportunity to review all perspectives on the major issues that the Surveys and Investigations teams are tasked with studying.

7. Chairman Mahon should again be approached with the problem raised by the FY 77 Conference Report House action which in an attempt to reinforce their independence from the IC staff, removed from the DCI his ability to utilize the staff in the manner that he feels is appropriate as the President's chief intelligence advisor. The specific issue, is of course the prohibition on assignment of OLC and OGC staff. While the Appropriations Committee was concerned about the possibility of one agency within the Community having undue influence over the IC staff, it should be stressed that the DCI is in charge of the entire Community and should not be told who may represent him in the exercise of his various responsibilities. (It is important to note that the Senate Committee does not apply the same restrictive interpretation to the Conference Committee's reports.)

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OGC and OLC are part of the DCI staff, not solely a component of the CIA. It is inappropriate therefore to restrict the DCI in the full utilization of his staff for Community as well as Agency concerns.

SIGNED

GEORGE L. CARY
Legislative Counsel

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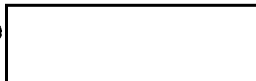
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REMARKS		
<p>The original of the attached memo was handcarried to the Director this morning by Mr. Cary for the DCI's use in meeting with Mr. Snodgrass, of the House Appropriations Committee, this morning.</p>		
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FROM: Legislative Counsel		
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Remarks: <i>Hank</i> <p>Attached is a copy of a memo which I handed to the Director yesterday prior to his meeting with Chuck Snodgrass. We thought some of the points in the memo might be useful for him to have for his meeting with Chuck. In preparing this paper we drew on comments from all the Directorates, Jim Taylor, and the IC Staff.</p> <div style="text-align: center;">  <i>George L. Cary</i> </div> <div style="text-align: right;"> <i>109200 12/13 pm</i> </div>					
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